

APPROVED MINUTES
(Approved August 6, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001
MONDAY, JULY 9, 2001 AT 7:00 PM
Council Office Building
Rockville, Maryland

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Andrew Morton, Vice Chair
Bill Sher
Jason Tai
Steve Berry
Jayne Plank
William Roberts
Harry Lerch
David Davidson

STAFF

Pamela Zorich, Planner, Park & Planning
Robin J. Ford, Council Staff

GUESTS

Sara Harris, Board of Elections
Paul Valette, Board of Elections
Joy Nurmi, Praisner Office
Peggy Erickson, Dacek Office
Milton Minneman, District 15 Dem. Caucus
Rosalie Silverberg, Asbury Methodist Village
Bettina Curtis, Asbury Methodist Village
Jacqueline Hall, Asbury Methodist Village
H. Hall, Asbury Methodist Village
Randy Scritchfield, Damascus Alliance
Dale Tibbitts, Citizen PAC
Charles Wolff, Citizen PAC
Vince Renzi, West Mont. Co. Citizens Assoc.
Susan Heltemes, MCDCC
Anita Powell, Individual
Andy Reed, Individual

OPENING REMARKS

Chair Rougeau called the meeting to order at 7:07 PM, and asked Commissioners, Staff and guests to introduce themselves to all those in attendance. Mrs. Rougeau announced that she attended a meeting of the Democratic Central Committee and discussed redistricting issues at that gathering. In her opening remarks, Mrs. Rougeau also expressed her belief that the redistricting process is not a race to submit numerous plans for consideration, but is rather a process to draft plans that are fair and equitable to the community for deliberation and comment by the public and the Commission. If possible, the Commission should come to

consensus on a single plan, which will be presented to Council for approval. Mrs. Rougeau encouraged community input during all stages of the redistricting process.

APPROVAL OF MINUTES

Prior to the approval of the June 4th minutes, Pamela Zorich, Park and Planning Staff, clarified the differences between Plans A and C as submitted, and explained why Plan B was ultimately chosen for Commission consideration. Initially, it was believed that the only difference between plans A and C was the placement of precinct 4-28. When Plan C was presented, Commissioner Plank's map indicated that 4-28 was located in Council District 1. At the June 4th meeting, Mrs. Plank indicated that the map was incorrect and that 4-28 was intended to be placed in Council District 3. With that correction, Plan C appeared to be the same as Plan A submitted by Commissioner Roberts.

However, there was another difference between the two plans. Unlike Plan C, Plan A assigned precinct 4-26 to Council District 1, and therefore had a lower percent deviation from the target number than Plan C. Because of the better percent deviation, Mrs. Plank agreed to support the Robert's Plan, and the two were merged into Plan B for Commission and public consideration.

Additional language clarifying the merging of the two plans was included in the June 4th minutes, and both Commissioners Plank and Roberts agreed that the new language effectively reflected what had occurred. However, Mrs. Plank had additional changes to the minutes, and therefore the Commission agreed to postpone approval of the June 4th minutes to the August 6th meeting.

Commissioner Lerch also requested that, for clarification, the minutes should state Council or Election district, instead of using 'district'.

DISCUSSION OF POSSIBLE PRECINCT SPLITS

At the June 4th meeting, the Commission raised questions about potential precinct splits within the County, and requested that Sara Harris of the Board of Elections attend this meeting and discuss this issue. Mrs. Harris stated that the Board of Elections makes the final decision on any precinct splits, and considers not only Council district lines, but also Legislative, School Board and natural boundaries. She also stressed to the Commission that there will not be a single precinct sharing two Council, Legislative, Congressional or School Board districts.

At this early time in the process, the Board is not targeting any precincts for splits, but is reviewing all precincts with population of registered voters greater than 4,000. Mrs. Harris listed the following precincts as those with a registered voter population above 4,000:

2-1, 6-6, 6-7, 9-27, and 13-54 (Leisure World community)

Mrs. Harris also stated that, where the population of registered voters is below 1,000, the Board is also reviewing those precincts for possible merges. While she was not able to list specific precincts, she indicated that the majority of those small precincts were within the 4th, 5th, 7th, and 13th election districts. Some Commissioners noted that the potential precinct merges may have more impact on the Council redistricting process than the splits.

PUBLIC COMMENT

Mrs. Rougeau welcomed comments from anyone present at the meeting representing individual or group concerns.

Rosalie Silverberg spoke on behalf of the **Asbury Methodist Village** community. Currently, the Asbury Methodist community is split between two precincts (9-28 and 9-1) and two Council districts (precinct 9-28 is in Council District 2 and 9-01 is in Council District 3). Mrs. Silverberg stated that the Asubury community desires to be in one Council district and in one election precinct. Mrs. Silverberg recognized that the Redistricting Commission does not make recommendations on altering precinct boundaries, but she was grateful that Sara Harris of the Board of Elections was also in attendance to hear her request. Mr. Morton noted that proposed Plan B does place precincts 9-28 and 9-01 within a single Council district – District 3. Please see Mrs. Silverberg’s written statement for further details on her testimony.

Henry Miller, President, Germantown Democratic Club requested that the Redistricting Commission keep the Germantown community in one Council district. He stated that the eleven Germantown election precincts (2-2, 2-3, 2-4, 2-5, 6-7, 9-8, 9-18, 9-25, 9-26, 9-29, and 9-30) are currently within Council District 2 and the community would like to maintain that cohesiveness. Mr. Miller also stated that part of precinct 2-1 is in Germantown. Mr. Morton noted that proposed Plan B does keep the Germantown precincts within Council District 2.

DISCUSSION OF COMMISSION WORK SCHEDULE

Ms. Ford noted that only one additional Commission worksession was scheduled prior to the September Public Hearing. She asked the Commission if it would be necessary to schedule an additional Commission meeting after the August 6th meeting but before the Public Hearing to provide an opportunity to consider additional proposed plans that may be presented at the hearing.

The Commission discussed the purpose of the public hearing process and the role of public comment on the creation of draft plans. Mr. Davidson and Mr. Sher indicated that in their view, the purpose of the public hearing is to receive community input and consider the issues and concerns raised by the community before creating draft plans. Mrs. Plank stated that she believed the purpose of the public hearing is to present the public with the first draft of plans from the Commission and then consider the issues and concerns raised by the community when making refinements to those plans.

Mr. Morton noted the limited time between today’s July 9th date and the public hearing, and stated that the Commission should have the opportunity to review all plans that

will be presented as Commission plans at the public hearing before the hearing. He requested that Chair Rougeau indicate that all Commission plans that are intended for public presentation as Commission plans at the public hearing be completed and available for Commission review at the meeting preceding the public hearing. Chair Rougeau agreed that no plans would be introduced for the first time at the public hearing.

Mr. Roberts agreed with Mr. Morton's request and recommended that the Commission act on a motion stating that request. Mr. Roberts proposed language for the motion and the Commission conducted a detailed discussion regarding the specific wording of the motion. Specifically, the Commission discussed whether the motion should include language requiring the *approval* of plans to be presented at the hearing, or was Commission *review and/or acceptance* of plans adequate for public presentation.

Mr. Tai noted that he is uncomfortable that the Commission has to approve or take an affirmative vote to present plans to the public at the hearing. He stated that if the concern was that the Commission received the maps prior to the hearing than it should be sufficient to move that all maps be distributed to all members of the Commission prior to the hearing. Mr. Roberts responded that the Commission's responsibility is to not only receive, but to deliberate and consider any draft plans and have an opportunity to fine tune or make revisions to plans if necessary as was the case with merging Plans A and C into Plan B. He further stated that it is the Commission's responsibility to cut through the potentially large number of plans down to a small number that are acceptable to go to the public. Mr. Roberts stated that it is the responsibility of the Commission to eliminate from the public hearing package any plans that are not viable and do not have the support of anyone on the Commission. Mr. Morton added that the Commission should ensure that any plan presented at the public hearing comport with the Constitution, State Law and the County Charter.

After the discussion, Mr. Roberts moved that the Commission consider the following motion:

Any plan to be accepted as a proposal for the public hearing by the Commission must be received, reviewed and subject to an affirmative vote by a majority of a quorum of the Commission at least two calendar weeks prior to the public hearing.

Commissioner Morton seconded Mr. Roberts amended motion and the Commission approved it 5-4 with Commissioners Roberts, Morton, Davidson, Lerch and Plank in favor, and Commissioners Rougeau, Tai, Sher, and Berry opposed.

It was clarified that this motion did not prevent a Commissioner from speaking as an individual and introducing a new plan at the public hearing. This motion only impacts plans that will be presented at the public hearing as Commission sponsored plans.

Commissioner Davidson also indicated that his support for the motion was based on the assumption that an additional meeting would be scheduled two weeks before the public hearing to allow the Commission the opportunity to accept all plans for presentation at the

public hearing. **The Commission agreed that if necessary, an additional meeting will be held on August 20th to consider draft plans before the hearing.** Several Commissioners indicated that additional draft plans would be presented at the August 6th meeting and the meeting on the 20th may not be necessary. Mr. Davidson also stated, and the Commission agreed, that this motion does not prohibit plans from being submitted after the public hearing.

Staff also raised the idea of scheduling additional community meetings. The Commission discussed that issue, and concluded that the current schedule was satisfactory.

PUBLIC HEARING PROCESS

The Commission indicated to Staff that it had agreed at the last meeting to change the meeting date from September 12th to September 10th to allow Mr. Davidson to attend the hearing. Ms. Ford indicated that she would reflect the date change and report back to the Commission on the hearing room that will be used on the 10th.

Ms. Ford also distributed information detailing the rules and format used by the 1991 Redistricting Commission at their public hearing and recommended that the current commission follow similar rules. Staff recommended that, as is the policy for Council sponsored public hearings, individuals be allotted three minutes to speak and groups (including municipalities, civic associations, and any other established organizations) be allotted five minutes to speak before the Commission. Mr. Lerch suggested that three minutes may not be enough time to allow individuals to express their views. The Commission determined that the individual limit should remain, but noted that the Commission Chair does have the discretion to question those who testify and allow people to speak longer than the time limit.

The Commission also noted that the official record can be open for several days after the public hearing to allow the public to submit written testimony if the time at the public hearing was not sufficient. The Commission considered requiring all speakers to provide written testimony along with any oral presentation, but decided against requiring written testimony, stating that encouraging written testimony would be adequate. The Commission did agree that all individuals and groups who submit draft plans to the Commission must also submit a written rationale or description of the plan. Staff also noted that transcripts will be made available and that the public hearing will be aired on the local Cable channel.

In response to a question by Mr. Tibbitts, the Commission agreed that members of the public are responsible for producing their own plans and describing their own plans. Park and Planning and other Commission staff will not process and create maps and PowerPoint presentations for individual and community maps. The public can request base precinct maps and precinct population data from Council or Park and Planning staff and create their own maps to present at the public hearing. Also, Council Staff will check on the availability of an overhead projector to allow the public use transparencies to present plans to the Commission at the hearing. Mrs. Rougeau also added that several individuals or groups may have their own laptop computers and will have PowerPoint presentations to view at the hearing. Mrs. Plank suggested when people call to sign-up to speak at the Redistricting Commission public

hearing, they should be informed of the availability of the overhead projector and any other technology that they can use when presenting draft plans.

Mr. Tibbitts also encouraged the Commission to not only listen to the presentation and comments at the Public Hearing, but engage the speakers and ask questions to create a meaningful dialogue about the issues and concerns regarding the Commission's task.

The Commission also discussed whether the September 10th meeting should be called a Meeting for Public Comment or a Public Hearing. The Commission agreed that Public Hearing is appropriate and may result in greater public response and participation.

NEXT MEETING

The next meeting will be held on Monday, August 6th, at the Olney Library (3500 Olney Laytonsville Road – Route 108), at 7:00 PM. Commissioner Plank stated that announcements for the Olney meeting should not only include the address, but directions to the library.

TENTATIVE MEETING – Monday, August 20th, COB 5th Floor Conference Room, 7:00PM.

ADJOURNMENT

The meeting adjourned at 8:56 PM.

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